

City Council Introduction: **Monday**, March 26, 2001
Public Hearing: **Monday**, April 2, 2001, at **1:30 p.m.**

Bill No. 01-45

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 3263**, from B-1 Local Business District and R-3 Residential District to B-2 Planned Neighborhood Business District, requested by Pioneer Woods, L.L.C., on property generally located at the northeast corner of 70th and Pioneers Blvd.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 02/07/01
Administrative Action: 02/07/01

STAFF RECOMMENDATION: Approval.

RECOMMENDATION: Approval (8-0: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer voting 'yes'; Schwinn absent).

ASSOCIATED REQUESTS: Preliminary Plat No. 00016, Pioneer Woods (01R-68) and Use Permit No. 130 (01R-69).

FINDINGS OF FACT:

1. This change of zone and the associated Pioneer Woods Preliminary Plat No. 00016 and Use Permit No. 130 were heard at the same time before the Planning Commission.
2. The Planning staff recommendation to approve the change of zone request is based upon the following analysis:
 - A. On average, the Comprehensive Plan considers new commercial development at a floor area ratio (FAR) of .25. The proposed development has a FAR of .165.
 - B. The boundary of the change of zone lines up with the B-2 zoning line south of Pioneers Boulevard and intersects 70th Street at a point that provides an adequate separation for a median opening and an acceptable street grade along S. 70th Street.
 - C. While the area of the proposed B-2 is larger than the commercial area of the Land Use Plan in the Comprehensive Plan, the development is a smaller FAR.

concluding that the application is partially consistent with the land use map, meets the zoning criteria, and is compliant with the general concepts of the Comprehensive Plan. The land use plan can be amended with the update of the Comprehensive Plan.

3. The applicant's testimony is found on p.7-8.
4. There was no testimony in opposition.
5. The Planning Commission discussion dealt mostly with the waiver requests on the use permit.
6. On February 7, 2001, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: March 19, 2001

REVIEWED BY: _____

DATE: March 19, 2001

REFERENCE NUMBER: FS\CC\FSCZ3263

[illegible]

DATE: January 24, 2001

Gary Bredehoft, on behalf of Pioneer Woods, L.L.C., is requesting a Change of Zone from B-1 Local Business and R-3 Residential to B-2 Planned Neighborhood Business.

Pioneer Woods, L.L.C.
Don Linscott
5101 Central Park Dr, Suite 100
Lincoln, NE 68504
402-467-1234

Gary Bredehoft
Olsson Associates
1111 Lincoln Mall
P.O. Box 84608
Lincoln, Ne 68501-4608
402-474-6311

The NE corner of 70th and Pioneers Boulevard

A tract of land composed of Lot 38 I.T., and Lot 51 I.T., all located in the SW ¼ of Section 3, Township 9 north, Range 7 east of the 6th P.M., Lancaster County, Nebraska, and more particularly described on the attached legal description.

19.78 acres, more or less

B-1 and R-3

EXISTING LAND USE:

Vacant

SURROUNDING LAND USE AND ZONING:

A mixture of commercial and apartments lies to the south with B-1 Local Business, B-2 Planned Neighborhood Business and R-5 Residential zoning; B-1 Local Business, and R-1 Residential zoned cemetery is to the west; the P Public Use, Holmes Park to the northwest; R-3 vacant to the north, and vacant R-3 to the east.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Plan shows Commercial on the corner and Urban Residential on the remainder of the site.

The following are statements from the Comprehensive Plan:

Less arbitrary and more efficient allocation of land recognizes the forces of the private market and the limitations of the capital improvement budget. This plan acknowledges that these factors play an important role in growth and development of the community. Page 36

The Comprehensive Plan must provide a balance between these roles, providing adequate choice of development sites while guiding both development and public investment decisions. Page 36

PLANNING AS A PROCESS: Community growth and development is a changing, dynamic process. Similarly, a land use plan must have the ability to respond to change in order to remain a vital, relevant tool that guides community decision making. Page 36a

City of Lincoln Future Commercial Needs and Plan page 54

A portion of the Goals

- ! *Provide geographically convenient and accessible retail areas throughout the City and County so as to provide the widest possible variety of goods and services.*
- ! *Discourage strip development and spot zoning and encourage more compact and higher quality retail and commercial development.*
- ! *Attempt to eliminate conflicts between retail and institutional land use when siting new retail locations.*
- ! *Assure that economic development is accomplished with respect for environmental quality.*

Rezoning and Comprehensive Plan Amendments. (page190) The city and county future land use plans are specific maps. In some situations, applications will be made for land use changes that are not in conformance with those maps. In each case, the Planning Department will complete an advisory review of Comprehensive Plan compliance for the Planning Commission and the City Council or County Board. This assessment will follow these guidelines:

- ! If an application is generally consistent with the land use map and the zoning criteria, it will be considered to be consistent with the comprehensive plan.

- ! If an application is not consistent with the land use maps but meets the zoning criteria, the proposal will be found to be inconsistent with the land use plan but compliant with the general concepts of the comprehensive plan. An amendment to the land use plan may be approved along with the rezoning proposal. The land use plan can then be updated on an annual basis to remain current. (Amendment 9416)
- ! If an application is inconsistent with both the land use plan and zoning criteria, it will be considered to be inconsistent with the comprehensive plan. Approval of the project will require an amendment to the comprehensive plan.

HISTORY:

On **May 20, 1968**, City Council postponed Change of Zone 884 indefinitely, to change the zoning on the four corners of 70th and Pioneers from G Local Business to A-1 Single Family Dwelling.

In the **1979** Zoning Update, the corner of 70th and Pioneers was changed from G Local Business to B-1 Local Business, and the remainder of the property was changed from A-1 Single Family Dwelling to R-3 Residential.

On **December 4, 1992**, J. Michael Rierden applied for Use Permit #61, which would have permitted 271,097 square feet of commercial floor area on the southeast corner of 70th and Pioneers. Change of Zone #2745, from R-3 Residential to B-2 Planned Neighborhood Business, was also applied for at this time. Use Permit #62 represented a revision of Use Permit #61, replacing it.

On **February 25, 1994**, the applications for Change of Zone #2745 and Use Permit #62 were withdrawn. Use Permit #62 would have permitted 237,547 square feet of commercial floor area on the southeast corner of 70th and Pioneers.

On **May 8, 1995**, City Council approved Use Permit #75, which allowed 290,200 square feet of commercial floor area on the southeast corner of 70th and Pioneers. At the same time, Council approved Change of Zone #2864 (from R-3 Residential to B-2 Planned Neighborhood Business) and One Pioneer Place Preliminary Plat #94023.

The applicant failed to sign the letter of acceptance and submit surety to guarantee off-site improvements within the allowed time, so Use Permit #75 was rescinded.

On **March 27, 1995**, Brian Carstens applied for Use Permit #77, Preliminary Plat #95006 Pioneer Place, and Change of Zone #2897 (from B-1 Local Business to B-2 Planned Neighborhood Business). The Pioneer Place Use Permit would have allowed 71,200 square feet of commercial floor area on the southwest corner of S. 70th and Pioneers. It was withdrawn by the applicant on **June 7, 1995**.

On **February 12, 1996**, City Council approved Use Permit #84, which permitted 108,200 square feet of commercial floor area on the southwest corner of S. 70th and Pioneers Blvd.

On **June 2, 1997**, City Council approved Special Permit #1639, the Lenox Village C.U.P., which permitted 269 multi-family dwelling units, Use Permit #90, which permitted 121,210 square feet of commercial floor area in "Lenox Village Square"; Change of Zone 3012, which changed the zoning on the Lenox Village C.U.P. from B-2 Business to R-5 Residential; and Preliminary Plat #96015, the Lenox Village Addition on property southeast of S. 70th St. and Pioneers Blvd.

Portions of the property were annexed into the City in **1977, 1978 and 1987**.

On **October 18, 2000**, the Planning Commission recommended approval to Change of Zone #3263, Use Permit #130, and Pioneer Woods Preliminary Plat #00016. Following the Planning Commission's action, the Public Works & Utilities Department discovered that the proposed access to S. 70th Street was at too steep of a grade along 70th Street and requested the intersection be moved to a more flatter grade.

SPECIFIC INFORMATION:

UTILITIES:

The Public Works & Utilities Department reports:

Water & Sanitary sewer- The proposed public water system and the sanitary sewer system are satisfactory.

Drainage & Grading -A 30' public storm sewer easement is needed over the 36" public storm north of Pioneers east of Stacy Lane. The remainder of the drainage and grading plan is satisfactory. They recommend waiving storm water detention because of the proximity to Holmes Lake and Antelope Creek. The plan shows stilling basins at the outlet end of storm sewers. The storm sewers outlet into wetlands to improve the water quality of the runoff before it is discharged into Antelope Creek.

TOPOGRAPHY:

The land slopes to the north and east.

TRAFFIC ANALYSIS:

The Public Works Department reports that a specific off-site improvement agreement is required to establish street improvement costs.

PUBLIC SERVICE:

The nearest fire station is located at 48th & Claire Ave.

REGIONAL ISSUES:

Traffic on the street system.

ENVIRONMENTAL CONCERNS:

Night time lighting and the effect on the Hyde Observatory located in Holmes Park.

On page 38 of The Comprehensive Plan is the following statements:

The future growth of Lincoln should consider the impact of lighting from new developments throughout Lancaster County. Emphasis should be placed on quality lighting which reduces or eliminates glare, light trespass and skyglow. By starting now to reduce light and noise pollution and encourage quality lighting, the citizens of Lincoln and Lancaster County will leave a legacy for our future generations.

AESTHETIC CONSIDERATIONS:

The Plan includes an architectural theme for the buildings in the proposed center.

The existing grove of cedar trees and other native trees on the site will be destroyed by this proposed development.

ANALYSIS:

1. On average the Comprehensive Plan considered new commercial development at a floor area ratio (FAR) of .25. The proposed development has a FAR of .165.
2. The boundary of the change of zone lines up with the B-2 zoning line south of Pioneers Boulevard and intersects 70th Street at a point that provides an adequate separation for a median opening and an acceptable street grade along S. 70th Street.
3. While the area of the proposed B-2 is larger than the commercial area of the Land Use Plan in the Comprehensive Plan the development is less a smaller FAR.

STAFF CONCLUSION:

The application is partially consistent with the land use map, meets the zoning criteria, and is compliant with the general concepts of the comprehensive plan. The land use plan can be amended with the update of the plan.

STAFF RECOMMENDATION:

Approval

Prepared by:

Ray Hill
Principal Planner

**CHANGE OF ZONE NO. 3263
USE PERMIT NO. 130,
and
PRELIMINARY PLAT NO. 00016
PIONEER WOODS**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

February 7, 2001

Members present: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer; Schwinn absent.

Planning staff recommendation: Approval of the change of zone; and conditional approval of the use permit and preliminary plat. The staff recommends that the waivers on the use permit not be granted.

Ray Hill of Planning staff submitted a report from the Building & Safety Department pointing out that the general notes 26 and 28 will have no effect because projections from the buildings must remain within the lot lines. The Building & Safety Department also points out that a portion of the project is within the 100 year floodplain and within the floodway, thus there must be compliance with the 404 permit regulations. Hill believes that the conditions of approval cover these requirements.

Proponents

1. Mike Rierden appeared on behalf of the applicant. There is only one reason that this application is back before the Commission. This development was approved in October; however, after the approval by the Planning Commission, it was discovered by Public Works that the intersection on 70th at Pioneers Woods and 70th Street was too steep and posed a safety concern. After several meetings with the staff, the developer was able to adjust that by means of moving the intersection further to the north so that it was in a flatter area and the safety concerns were taken care of. That is the only adjustment. However, as a result of moving the intersection, the interior road was moved further to the north which gave this development about 7,000 sq. ft. of additional retail space, to which staff agrees.

Rierden advised the Commission that the developer had meetings with Hyde Observatory back in October with regard to lighting and they will continue to work together on the appropriate lighting. The developer has also had meetings with Parks & Recreation and the Friends of the Dog Run, which is in this area, and have discussed deeding some of the property to the east in the drainageway, and they will continue to have these discussions.

The developer also met with three abutting neighborhood associations and, to Rierden's knowledge, there are no objections.

Rierden stated that the developer also submitted an architectural theme for the buildings. Rierden assured that this developer will comply with what was presented.

Rierden agreed with the conditions of approval on the preliminary plat.

With regard to the use permit, Rierden submitted an amendment to Condition #1.1.3: "Limit the total amount of floor area for restaurants to 30,000 sq. ft." He believes that staff is agreeable to this amendment.

This is probably the second project that Rierden knows of in Lincoln where the developer has agreed by Executive Order to go ahead and do the improvements for the widening of Pioneers from 70th Street east to the drainageway. They will continue to work with staff to continue to do those improvements. It is unusual for a developer to do the improvements for an arterial.

Rierden further pointed out that on 70th Street, this developer was required to give up some additional right-of-way. One of the waiver requests is to allow a reduction of the front yard setback from the required 50' to 42'. In addition, the developer is requesting a waiver to be able to put signage in that particular area because of the loss of the front yard. Rierden submitted that this is not an unusual request. It was done at South Pointe and is usually done in situations where additional right-of-way is given up by developers.

Carlson asked for the net effect of the sign location. **Gary Bredehoft of Olsson Associates** indicated that they have not made an exact determination yet. He stated that they would agree to put them in the center of the setback that is established. **Don Linscott of Mega Corporation**, one of the applicants, stated that he would not object to having the sign a certain distance from the back of the curb, i.e. 10'.

Bredehoft explained that they have only requested the waiver to allow the signs for visibility purposes. He stated that they have asked for this same waiver in other situations. There is a drop-off from 70th Street, especially down towards Lots 3 and 4, and it would be difficult to see a ground sign. The intent is to get the sign up the slope a bit.

Carlson was curious about the floodplain issue. Bredehoft advised that this application does not touch the 100 year floodplain.

There was no testimony in opposition.

Staff questions

Carlson asked staff about the position of the signs. Ray Hill advised that the signs are not allowed in the front yard, so that is why they are asking for the adjustment. In the B-2 district, if you have the ground sign inside the front yard, you have to be within 30' of the building. With the way this project is laid out, the ground signs cannot be within 30' so that is why they are asking for the waiver. The requirement is that the ground sign must be within 30' of the building. There is more than 30' and they are also asking to be in the front yard. If the waiver of the front yard and the sign waiver are granted, the sign could be 12' away from the street. The conditions of approval recommended by staff would allow the sign, but it would be outside the front yard and closer to the building, i.e. in the parking lot. The front yard setback in the B-2 district is 50'.

Bayer asked whether the sign and front yard waiver were approved in this application in October. Hill believes that the Commission denied the sign waiver.

Hill explained that the staff rationale to deny the waivers requested in the use permit is because this project is getting a lot more zoning than what was shown in the Comprehensive Plan land use plan. The staff has agreed to adjust the zoning, but does not believe the front yard should be reduced.

Hill agreed with the applicant's proposed amendment to Condition #1.1.3 of the use permit.

Carlson observed that the applicant believes dropping the ground signs down in elevation might prevent people from moving to that area and there is no point to have the ground sign. Bredehoft stated that the ground sign would only be visible from inside the parking lot. Bredehoft did not believe the developer addressed the sign issue in the last application.

Dennis Bartels of Public Works advised that on 70th Street there is approximately 12' to 14' from the pavement to the new right-of-way. Linscott advised that the buildings along 70th Street will all be one-story with a very low profile. People coming along 70th or Pioneers will see the top of the roof. As we move to the north along 70th, the buildings then come closer to grade, so as you get to the very last building (Walgreens), it will be almost level with the street.

Bayer asked whether this development has some sort of development sign. Linscott advised that there is one right on the south side of the intersection of Pioneers and then another on the left hand side of Stacy Lane along Pioneers. They would be identification signs, i.e. the "Pioneer Woods Retail Center".

Linscott suggested that the reason they are asking for the reduction of the front yard setback is that 70th will be five lanes. They had originally thought it would only be four lanes. This developer has agreed to allow the 5th lane which requires giving up some right-of-way. This development is a major project to relieve some of the traffic pressures in this area. The developer has worked very hard with the staff to make this compatible with what's happening in this area. With the five lanes, this developer is being asked to give up property, so we are trying to get back to the same point we were before.

Hill clarified that in the sign section of the zoning ordinance it makes reference to how you measure the height of a sign. In those situations where the property is lower than the adjacent roadway, the height is calculated from the street grade at a 90 degree angle. If the ground is 5-6 feet lower than the street, you don't measure from the ground but from the elevation of the street. It could be a really tall ground sign. The height of the ground sign will be measured from the grade of 70th Street. If they do not get the ground sign in the front yard, they have to be 50' from the road. If they are granted the waiver to go up the slope, it would be a shorter sign.

Bayer wondered whether roof signs are allowed. Hill did not believe so. He would have to double check.

Public hearing was closed.

CHANGE OF ZONE NO. 3263

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 7, 2001

Steward moved approval, seconded by Newman and carried 8-0: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer voting 'yes'; Schwinn absent.

USE PERMIT NO. 130

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 7, 2001

Steward moved to approve the staff recommendation of conditional approval, denying the waivers to reduce the front yard and to allow ground signs in the front yard, with amendment to Condition #1.1.3 as requested by the applicant, seconded by Hunter.

Bayer moved to amend to change Condition #1.1.11 from 50' to 42', seconded by Duvall. Bayer is not excited about the tall signs, but they need to have the ability to advertise. This puts the tall ground sign closer to the road.

Hill clarified that if the Commission wants the parking lot to be 42' from the new right-of-way line, the waiver of the front yard setback would be granted. If the Commission is interested in allowing the signs where they are proposing, then the waiver of the sign requirements should be granted. Bayer wants to give them a 42' front yard so they can put a sign 43' away from the street. This allows them to put the sign 8' closer.

Steward made a technical observation. In reading the contour lines, the worst case situation is that they are only about 6' lower than the elevation of the roadway at a 90 degree angle for these building pads. It is not like you're looking down on the roof.

Bayer is attempting to give them some advertising without destroying the view from the road.

Motion to amend Condition #1.1.11 from 50' to 42' carried 5-3: Carlson, Taylor, Krieser, Duvall and Bayer voting 'yes'; Steward, Hunter and Newman voting 'no'.

Main motion, with amendment to Condition #1.1.3 and #1.1.11, carried 8-0: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer voting 'yes'; Schwinn absent.

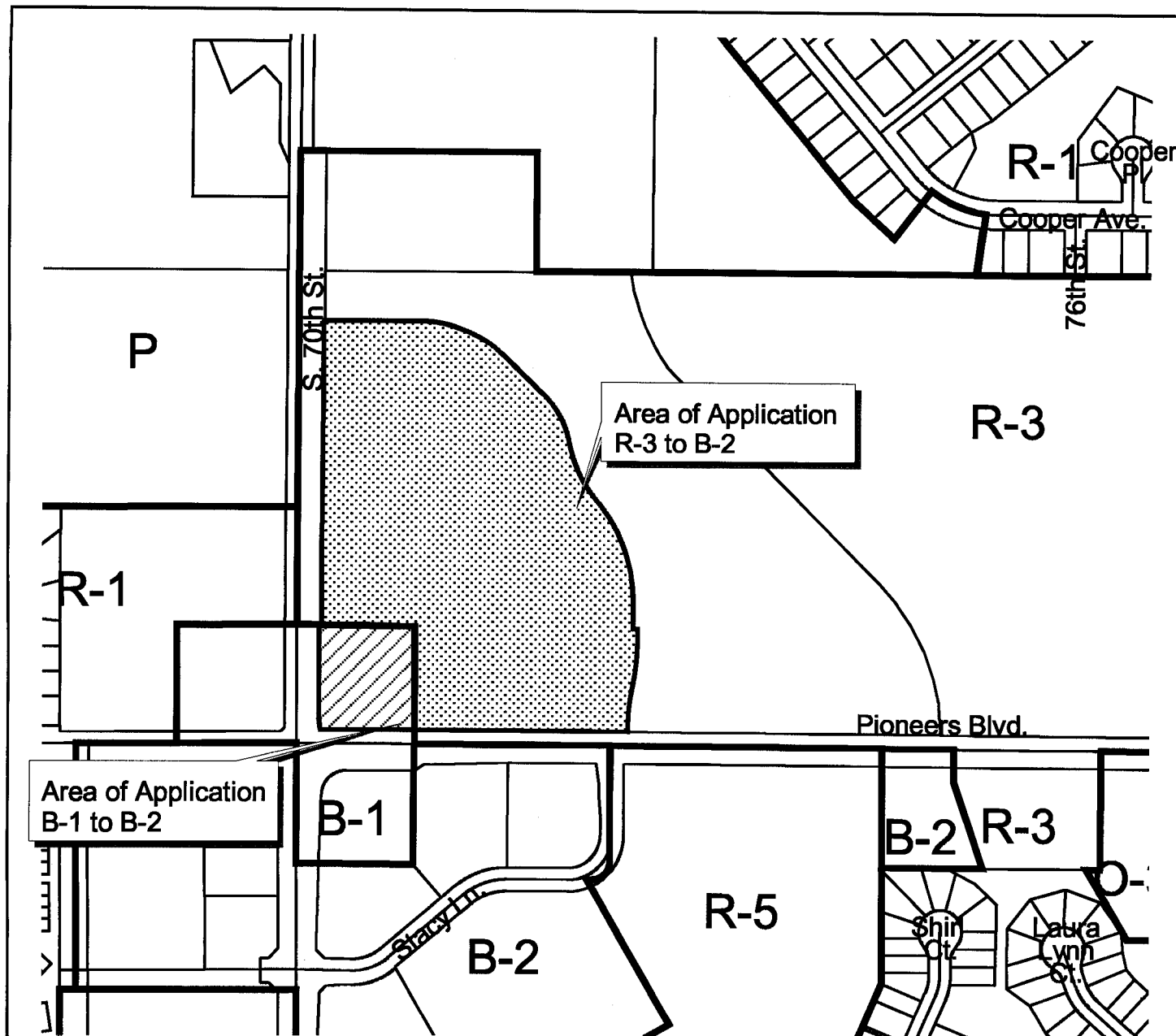
PRELIMINARY PLAT NO. 00016

PIONEER WOODS

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

February 7, 2001

Steward moved to approve the Planning staff recommendation of conditional approval, seconded by Duvall and carried 8-0: Carlson, Steward, Taylor, Krieser, Hunter, Duvall, Newman and Bayer voting 'yes'; Schwinn absent.

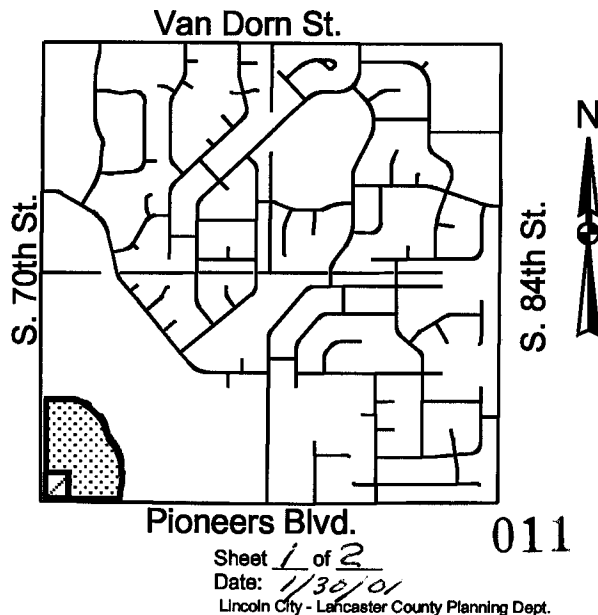
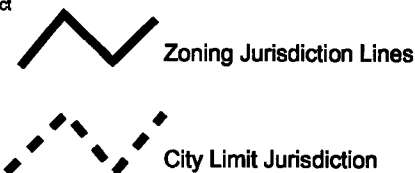


Change of Zone #3263 S. 70th & Pioneerers Blvd.

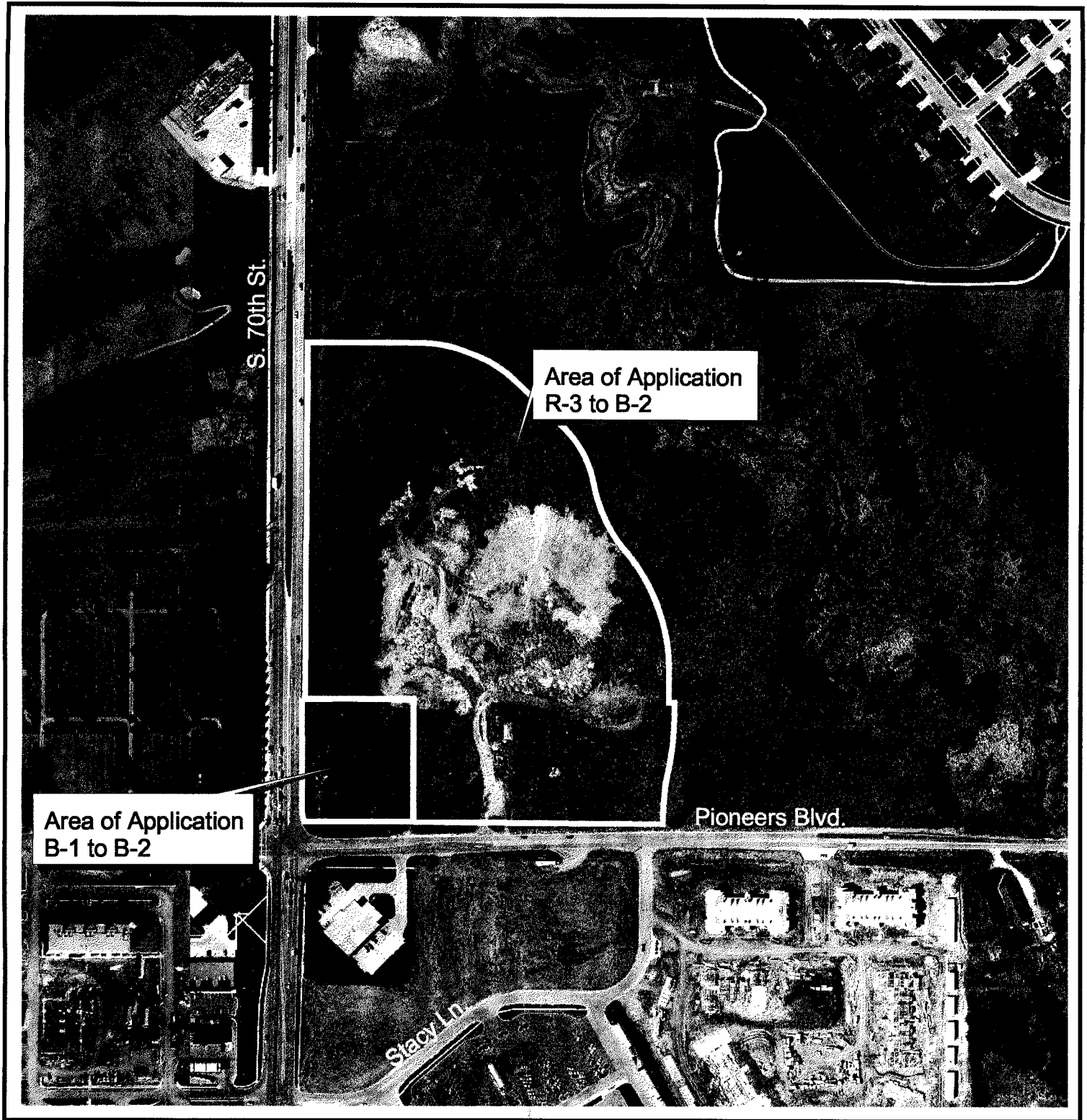
Zoning:

| | |
|------------|--|
| R-1 to R-3 | Residential District |
| AG | Agricultural District |
| AGR | Agricultural Residential District |
| R-C | Residential Conservation District |
| O-1 | Office District |
| O-2 | Suburban Office District |
| O-3 | Office Park District |
| R-T | Residential Transition District |
| B-1 | Local Business District |
| B-2 | Planned Neighborhood Business District |
| B-3 | Commercial District |
| B-4 | Lincoln Center Business District |
| B-5 | Planned Regional Business District |
| H-1 | Interstate Commercial District |
| H-2 | Highway Business District |
| H-3 | Highway Commercial District |
| H-4 | General Commercial District |
| I-1 | Industrial District |
| I-2 | Industrial Park District |
| I-3 | Employment Center District |
| P | Public Use District |

One Square Mile
Sec. 3 T9N R7E



Sheet 1 of 2
Date: 1/30/01
Lincoln City - Lancaster County Planning Dept.



**Change of Zone #3263
S. 70th & Pioneers Blvd.**



Sheet 2 of 2

Date: 1/30/01

Photograph Date: 1999

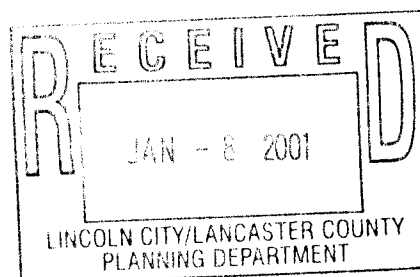
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**LEGAL DESCRIPTION
PARCEL 1
CHANGE OF ZONE
FROM "B-1" TO "B-2"**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF LOT 38 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID LOT 38 I.T., SAID POINT BEING THE TRUE POINT OF BEGINNING, THENCE ON AN ASSUMED BEARING OF NORTH 89 DEGREES 35 MINUTES 10 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 38 I.T., A DISTANCE OF 260.02 FEET TO A SOUTHWEST CORNER OF SAID LOT 38 I.T., THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 113.00 FEET, ARC LENGTH OF 35.24 FEET, DELTA ANGLE OF 17 DEGREES 52 MINUTES 07 SECONDS, A CHORD BEARING OF NORTH 09 DEGREES 07 MINUTES 33 SECONDS WEST ALONG A WEST LINE OF SAID LOT 38 I.T., AND A CHORD LENGTH OF 35.10 FEET TO A POINT, THENCE NORTH 00 DEGREES 11 MINUTES 30 SECONDS WEST ALONG THE WEST LINE OF SAID LOT 38 I.T., A DISTANCE OF 255.40 FEET TO THE NORTHWEST CORNER OF SAID LOT 38 I.T., THENCE SOUTH 89 DEGREES 35 MINUTES 10 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT 38 I.T., A DISTANCE OF 268.43 FEET TO THE NORTHEAST CORNER OF SAID LOT 38 I.T., THENCE SOUTH 00 DEGREES 23 MINUTES 32 SECONDS WEST ALONG THE EAST LINE OF SAID LOT 38 I.T., A DISTANCE OF 290.00 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 1.77 ACRES, OR 77,353.43 SQUARE FEET MORE OR LESS.

MAY 15, 2000 (4:23PM)
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**LEGAL DESCRIPTION
CHANGE OF ZONE
("R-3" TO "B-2")
PIONEER WOODS**

A LEGAL DESCRIPTION FOR CHANGE OF ZONE PURPOSES FOR A TRACT OF LAND COMPOSED OF A PORTION OF LOT 51 I.T., LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 9 NORTH, RANGE 7 EAST OF THE 6TH P.M., LANCASTER COUNTY, NEBRASKA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A SOUTHWEST CORNER OF SAID LOT 51 I.T., SAID POINT BEING LOCATED 8.49 FEET EASTERLY FROM THE NORTHWEST CORNER OF LOT 38 I.T. AND ON THE NORTH LINE OF SAID LOT 38 I.T., SAID POINT BEING **THE TRUE POINT OF BEGINNING**, THENCE ON AN ASSUMED BEARING OF NORTH 00 DEGREES 13 MINUTES 44 SECONDS EAST ALONG A WEST LINE OF SAID LOT 51 I.T., A DISTANCE OF 848.75 FEET TO A POINT, THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 267.32 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 315.50 FEET, ARC LENGTH OF 117.41 FEET, DELTA ANGLE OF 21 DEGREES 19 MINUTES 17 SECONDS, A CHORD BEARING OF SOUTH 79 DEGREES 20 MINUTES 21 SECONDS EAST, AND A CHORD LENGTH OF 116.73 FEET TO A POINT OF TANGENCY, THENCE SOUTH 68 DEGREES 40 MINUTES 43 SECONDS EAST, A DISTANCE OF 25.32 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 282.00 FEET, ARC LENGTH OF 108.74 FEET, DELTA ANGLE OF 22 DEGREES 05 MINUTES 35 SECONDS, A CHORD BEARING OF SOUTH 57 DEGREES 37 MINUTES 55 SECONDS EAST, AND A CHORD LENGTH OF 108.07 FEET TO A POINT OF TANGENCY, THENCE SOUTH 46 DEGREES 35 MINUTES 08 SECONDS EAST, A DISTANCE OF 159.79 FEET TO A POINT OF CURVATURE, THENCE ALONG A CURVE HAVING A RADIUS OF 257.00 FEET, ARC LENGTH OF 160.73 FEET, DELTA ANGLE OF 35 DEGREES 50 MINUTES 01 SECONDS, A CHORD BEARING OF SOUTH 28 DEGREES 40 MINUTES 08 SECONDS EAST, AND A CHORD LENGTH OF 158.12 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION HAVING A RADIUS OF 343.00 FEET, ARC LENGTH OF 179.45 FEET, DELTA ANGLE OF 29 DEGREES 58 MINUTES 33 SECONDS, A CHORD BEARING OF SOUTH 25 DEGREES 44 MINUTES 24 SECONDS EAST, AND A CHORD LENGTH OF 177.41 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 432.00 FEET, ARC LENGTH OF 307.08 FEET, DELTA ANGLE OF 40 DEGREES 43 MINUTES 40 SECONDS, A CHORD BEARING OF SOUTH 20 DEGREES 21 MINUTES 50 SECONDS EAST, AND A CHORD LENGTH OF 300.66 FEET TO A POINT OF TANGENCY, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 76.17 FEET TO A POINT, THENCE SOUTH 89 DEGREES 35 MINUTES 10 SECONDS EAST A DISTANCE OF 13.21 FEET TO A POINT, THENCE SOUTH 00 DEGREES 24 MINUTES 50 SECONDS WEST, A DISTANCE OF 31.98 FEET TO A POINT OF

CURVATURE, THENCE ALONG A CURVE IN A CLOCKWISE DIRECTION HAVING A RADIUS OF 645.00 FEET, ARC LENGTH OF 131.90 FEET, DELTA ANGLE OF 11 DEGREES 43 MINUTES 00 SECONDS, A CHORD BEARING OF SOUTH 06 DEGREES 16 MINUTES 20 SECONDS WEST, AND A CHORD LENGTH OF 131.67 FEET TO A POINT OF REVERSE CURVATURE, THENCE ALONG A CURVE IN A COUNTERCLOCKWISE DIRECTION HAVING A RADIUS OF 555.00 FEET, ARC LENGTH OF 113.49 FEET, DELTA ANGLE OF 11 DEGREES 43 MINUTES 00 SECONDS, A CHORD BEARING OF SOUTH 06 DEGREES 16 MINUTES 20 SECONDS WEST, AND A CHORD LENGTH OF 113.30 FEET TO A POINT OF TANGENCY, THENCE SOUTH 00 DEGREES 24 MINUTES 50 SECONDS WEST, A DISTANCE OF 14.33 FEET TO A POINT OF INTERSECTION WITH THE SOUTH LINE OF SAID LOT 51 I.T., THENCE NORTH 89 DEGREES 35 MINUTES 10 SECONDS WEST ALONG THE SOUTH LINE OF SAID LOT 51 I.T., A DISTANCE OF 602.08 FEET TO A SOUTHWEST CORNER OF SAID LOT 51 I.T., SAID POINT ALSO BEING THE SOUTHEAST CORNER OF SAID LOT 38 I.T.; THENCE NORTH 00 DEGREES 23 MINUTES 32 SECONDS EAST ALONG A WEST LINE OF SAID LOT 51 I.T., SAID LINE ALSO BEING THE EAST LINE OF SAID LOT 38 I.T., A DISTANCE OF 290.00 FEET TO A SOUTHWEST CORNER OF SAID LOT 51 I.T., SAID POINT ALSO BEING THE NORTHEAST CORNER OF SAID LOT 38 I.T.; THENCE NORTH 89 DEGREES 35 MINUTES 10 SECONDS WEST ALONG A SOUTH LINE OF SAID LOT 51 I.T., SAID LINE ALSO BEING THE NORTH LINE OF SAID LOT 38 I.T., A DISTANCE OF 259.94 FEET TO THE TRUE POINT OF BEGINNING, SAID TRACT CONTAINS A CALCULATED AREA OF 18.01 ACRES, OR 784,585.20 SQUARE FEET MORE OR LESS.

January 23, 2001 (8:49AM)

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